

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**ROBIN WAYNE SMITH,
(TDCJ #01948750)**

Plaintiff,

v.

LANNETTE LINTHICUM, et al.,

Defendants.

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CIVIL ACTION NO. 4:19-cv-0787

JOINT MOTION TO STAY MEDIATION

Plaintiff Robin Wayne Smith (“Plaintiff” or “Mr. Smith”) and all Defendants file this Joint Motion to Reset Mediation Date and respectfully show the Court the following:

Plaintiff asserts claims against four different defendants related to a denial of medical care. One of those Defendants, Dr. Monte Smith, a UTMB medical director, recently appealed to the Fifth Circuit from this Court’s order denying his motion to dismiss based on qualified immunity. All parties then engaged in settlement discussions both informally and through the Fifth Circuit’s mediation program. As a result of those discussions, the parties then jointly moved this Court for a settlement conference before a magistrate judge. On May 30, 2025, this Court granted the joint motion and set mediation for August 6, 2025, before Magistrate Judge Richard W. Bennett (ECF No. 99). On July 31, 2025, Defendants filed a Joint Motion to Reset Mediation Date (ECF No. 102), which was then granted, setting mediation on October 15, 2025. Further, on October 14, 2025, Defendants filed a Joint Motion to Reset Mediation Date (ECF No. 110), which the Court granted, setting mediation on December 17, 2025.

A key factor in making this mediation successful is UTMB’s medical evaluation of Plaintiff, who is incarcerated. At this time, Plaintiff’s medical providers at UTMB do not have enough information to decide appropriate treatment for Plaintiff. Plaintiff will continue to see medical

specialists to determine the best course of treatment for him. Currently, Plaintiff has two upcoming appointments with medical specialists in January and February 2026. All parties agree that further evaluation of Plaintiff's medical condition must occur to facilitate a successful mediation. Accordingly, the Parties request that the Court reset the mediation date to April 2026. In the meantime, Defendants have agreed to reinstate the appeal in the Fifth Circuit and allow the appeal process to move forward.

Resetting of the mediation will allow UTMB to complete its evaluation of options for Plaintiff's treatment. It is not possible for the evaluation to be completed before the current date and for all parties to receive and review the results of that evaluation. The parties appreciate Magistrate Judge Bennett's time in mediating this matter and seek this resetting to make the best use of his time.

Respectfully submitted,

KEN PAXTON

Attorney General of Texas

BRENT WEBSTER

First Assistant Attorney General

RALPH MOLINA

Deputy First Assistant Attorney General

AUSTIN KINGHORN

Deputy Attorney General for Civil Litigation

BRIANA M. WEBB

Division Chief

Law Enforcement Defense Division

/s/ Lucy E. Pruitt

LUCY E. PRUITT

Assistant Attorney General

Texas State Bar No. 24138018

Office of the Attorney General

Law Enforcement Defense Division

P.O. Box 12548, Capitol Station

Austin, Texas 78711-2548

Telephone: (512) 475-4196

Facsimile: (512) 320-0667
Lucy.Pruitt@oag.texas.gov

ATTORNEYS FOR DEFENDANT MONTE SMITH

Deborah C. Milner
State Bar No. 24065761
S.D. Tex. Bar No. 3865690
cmilner@foglerlaw.com
909 Fannin Street, Suite 1640
Houston, Texas 77010
Telephone: (713) 481-1010
Facsimile: (713) 574-3224

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2025, a true and correct copy of the foregoing has been served on all counsel of record through the Court's CM/ECF electronic filing system.

/s/ Lucy E. Pruitt
LUCY E. PRUITT
Assistant Attorney General